

RECEIVED

AUG 04 2003

WATER RIGHTS  
SALT LAKE

WHITEING & SMITH

ATTORNEYS AT LAW  
1136 PEARL STREET, SUITE 203  
BOULDER, COLORADO 80302

JEANNE S. WHITEING  
TOD J. SMITH

PHONE (303)444-2549  
FAX (303)444-2365  
E-MAIL [tjsmith@ecentral.com](mailto:tjsmith@ecentral.com)

July 29, 2003

BY FACSIMILE, ORIGINAL  
TO FOLLOW BY U.S. MAIL

Bill Christensen, Water Commissioner  
P.O. Box 4  
Roosevelt, Utah 84066

Re: Lake Fork River Administration

Mr. Christensen:

I am writing to you on behalf of the Ute Indian Tribe as a follow-up to recent conversations you have had with Lynn Hansen, Project Supervisor, Uintah Indian Irrigation Project. It is my understanding that you recently reduced duty on the Lake Fork system as a result of a claimed reduction in the natural flow of the River. As you know, at this time of the year the Moon Lake Water Users Association supplements the natural flow in the Rivers through releases from Moon Lake Reservoir and several high mountain lakes on the Lake Fork River and from high mountain lakes on the Yellowstone River. As you are further aware, it is difficult if not impossible to verify the amounts of water actually being released from storage and those amounts that make-up the natural flow because of a lack of measuring devices. In light of concerns about the make-up of flows in the Rivers, and the inability to independently verify storage releases, I request that you immediately provide Mr. Hansen with the following information:

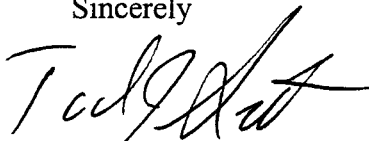
1. A full description of the process you undertake to determine and differentiate between natural flow in the River and releases from storage of water that has been *legally* stored.
2. A complete copy of the calculations and measurements you made as River Commissioner in your recent determination to reduce duty based upon a reduction in the natural flow of the Rivers.

Bill Christensen  
Water Commissioner  
July 29, 2003  
Page 2

3. The figure you apply to transportation losses for water released from storage and the evaporation losses applied to water legally stored in the reservoirs.

Hopefully, with this information, the Tribe and BIA can alleviate their concerns regarding the accuracy of the determinations of the amount of natural flow in the Rivers. Again, therefore, I request that you immediately provide this information to Mr. Hansen at the BIA and, in any event, no later than Friday, August 1, 2003.

Sincerely



Tod J. Smith  
Special Water Counsel  
Ute Indian Tribe

cc: Lynn Hansen  
Tribal Business Committee  
Gayle McKeachnie, Esq.  
Jerry Olds, State Engineer  
Wayne Pullen, CUP Completion Act  
Gene Shawcroft, CUWCD